

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.  
SECURITIES LITIGATION

CIVIL ACTION

No. 06-2596 (JRS)

CLASS ACTION

**PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE DEFENDANTS  
FROM CONTESTING THAT BLATT'S GUILTY PLEA WAS  
RELATED TO THE SUPERSEDING INDICTMENT'S VCO ALLEGATIONS**

Plaintiffs hereby move the Court to preclude Defendants from contesting that: (i) the Superseding Information to which Lee Blatt ("Blatt") pleaded guilty directly relates to the Superseding Indictment; and (ii) the factual basis for Blatt's guilty plea was based on certain of the Superseding Indictment's Voltage Controlled Oscillator allegations. A memorandum of law in support of this motion, a proposed order and the Declaration of Jonathan Gardner are filed contemporaneously herewith.

Dated: April 7, 2010

Respectfully submitted,

By: /s/ Jonathan Gardner  
Jonathan Gardner (*pro hac vice*)  
Christopher Keller (*pro hac vice*)  
LABATON SUCHAROW LLP  
140 Broadway  
New York, New York 10005  
Telephone: (212) 907-0700  
Facsimile: (212) 818-0477

Ira M. Press (*pro hac vice*)  
Andrew M. McNeela (*pro hac vice*)  
Sarah G. Lopez (*pro hac vice*)  
KIRBY McINERNEY LLP  
825 Third Avenue, 16th Floor  
New York, New York 10022  
Telephone: (212) 371-6600  
Facsimile: (212) 751-2540

*Co-Lead Counsel for Lead Plaintiff and the Class*

Stanley P. Kops (SPK 6328)  
LAW OFFICE OF STANLEY P. KOPS  
102 Bala Avenue  
Bala Cynwyd, Pennsylvania 19004  
Telephone: (610) 949-9999  
Facsimile: (610) 949-9773

*Plaintiffs' Liaison Counsel*